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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 MELINDA RICHARDSON,) Case No.: 1:20-cv-1765 JLT
12 Plaintiff,) ORDER GRANTING PLAINTIFF’S MOTION IN
13 v.) PART FOR AN EXTENSION OF TIME
14 COMMISSIONER OF SOCIAL SECURITY,) (Doc. 23)
15 Defendant.) ORDER DIRECTING PLAINTIFF TO FILE AN
16) OPENING BRIEF NO LATER THAN
) JANUARY 10, 2022

17 On November 19, 2021, Plaintiff filed motion for an extension of 65 days to file a motion for
18 summary judgment. (Doc. 23.) Notably, the Scheduling Order allows for a single extension of thirty
19 days by the stipulation of the parties. (Doc. 5-1 at 3.) Beyond the single extension by stipulation,
20 “requests to modify [the scheduling] order must be made by written motion and will be granted only for
21 good cause.” (*Id.*)

22 Significantly, this is the *fourth* request for an extension of time by the parties in this action since
23 the stay was lifted on May 21, 2021. (*See* Docs. 13, 17, 20.) Because this is the fourth extension
24 sought, the Court construes the stipulation to be a motion to amend the briefing schedule. (*See* Doc. 5-
25 1 at 3.) Jonathan Pena, Plaintiff’s counsel, reports the extension is necessary “[d]ue to the increase in
26 certified administrative records being filed by defendant” and “a larger than usual number of briefs due
27 for the month of December 2021.” (*Id.* at 2.) Further, counsel reports that he has pre-planned
28 vacations for the Thanksgiving and Christmas holidays. (*Id.*) However, counsel does not explain why

1 the entirety of the month of January is also necessary for him to file the opening brief, particularly as
2 the parties have exchanged confidential letter briefs, which should have framed the issues for the
3 plaintiff and identified the evidence to support the arguments. Accordingly, the Court **ORDERS**:

- 4 1. The request for a further extension of time (Doc. 20) is **GRANTED IN PART**;
- 5 2. Plaintiff SHALL file an opening brief **no later than January 10, 2022**; and
- 6 3. The parties are cautioned that no further extensions of time will be granted absent the
7 filing of a written motion supported by exceptionally good cause.

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9 IT IS SO ORDERED.

10 Dated: November 22, 2021

/s/ Jennifer L. Thurston
11 CHIEF UNITED STATES MAGISTRATE JUDGE